

HOUSE HEALTH AND GOVERNMENT AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 335

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO HEALTH INSURANCE; REQUIRING CERTAIN LARGE EMPLOYERS
TO REPORT WHETHER THEY PAY THEIR FAIR SHARE OF EMPLOYEE HEALTH
CARE COSTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Fair Share for Health Care Act".

Section 2. DEFINITIONS.--As used in the Fair Share for
Health Care Act:

A. "comprehensive major medical insurance" means
health insurance covering the reimbursement of hospital,
surgical and medical expenses or coverage provided by health
maintenance organizations or nonprofit health care plans to
provide or reimburse, hospital, surgical and medical services.

"Comprehensive major medical insurance" does not include

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1 short-term travel, accident-only, limited or specified disease
2 policies that are dental-only or vision-only;

3 B. "employee" means an individual employed by an
4 employer such that the employer pays social security
5 withholding, unemployment insurance or workers' compensation
6 insurance for the individual;

7 C. "employer" means a person, or an officer, agent
8 or employee of that person, who has control of the payment of
9 wages to an employee in New Mexico and who is doing business in
10 or deriving income from sources within the state and has ten
11 thousand or more employees nationwide, except that "employer"
12 does not include the federal or state government or a political
13 subdivision of the state or another state;

14 D. "fair share" means comprehensive major medical
15 insurance;

16 E. "health insurance costs" means the amount paid
17 by an employer to provide health care or health insurance to an
18 employee to the extent that the costs may be deductible by the
19 employer under federal tax law and includes payments for
20 medical care, prescription drugs, vision care and medical
21 savings accounts;

22 F. "secretary" means the secretary of human
23 services; and

24 G. "wages" means remuneration in cash or other form
25 of payment for services performed by an employee for an

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1 employer.

2 Section 3. REPORTING.--An employer shall:

3 A. no later than January 15, 2008 and annually
4 thereafter, make a report stating whether it is offering its
5 employees comprehensive health care coverage to the human
6 services department on a form approved by the secretary that
7 includes:

8 (1) the total number of employees on one day
9 selected by the employer in the year immediately preceding the
10 previous calendar year; and

11 (2) a summary of the employer's policy on
12 health care coverage eligibility for its employees;

13 B. have the report signed by the principal
14 executive officer or that officer's designee with an affidavit
15 under penalty of perjury that the information reported is
16 accurate; and

17 C. notwithstanding any other requirements of this
18 section, not be required to file a subsequent report unless it
19 no longer offers its employees comprehensive major medical
20 insurance.

21 Section 4. SECRETARY--DUTIES.--The secretary shall
22 report annually to the governor on or before March 15 of each
23 year, in a publication titled "Fair Share for Health Care", the
24 name of each employer that does not offer comprehensive major
25 medical insurance to employees.

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